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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|------------------------------|---|-------------------------------|
| GREGORY BENDER, |) | Case No. C 09-01140 EMC |
| |) | |
| Plaintiff, |) | MEMORANDUM RE: ADMINISTRATIVE |
| vs. |) | MOTION TO CONSIDER WHETHER |
| |) | CASES SHOULD BE RELATED |
| EXAR CORPORATION, a Delaware |) | (Civil L.R. 3-12) |
| corporation, |) | |
| |) | |
| Defendant. |) | |

Plaintiff Gregory Bender, through counsel, hereby provides
his Memorandum Re: Administrative Motion to Consider Whether
Cases Should be Related as follows:

1. The above-captioned action is an action for patent
infringement arising under the patent laws of the United State of
America (Title 35 of the United States Code).

2. Plaintiff Gregory Bender is an individual whose residence
is in San Jose, California.

3. Defendant Exar Corporation is a Delaware corporation with
its principal place of business situated in Fremont, California.

4. On April 9, 1992, United States Patent Number 5,103,188
(the "'188 Patent") entitled "Buffered Transconductance
Amplifier" issued to plaintiff Gregory Bender and since that date

1 the plaintiff has been and still is the owner of the '188 Patent
2 and of all right of recovery for damages thereunder.

3 5. The plaintiff believes that the claims embodied in the
4 '188 patent now have become the textbook model for the analog
5 amplifier technology used ubiquitously throughout the analog
6 electronics industry (including, without limitation, cell phones,
7 hi-definition televisions, MRI equipment, ultrasound equipment,
8 and other applications using an analog amplifier with at least
9 one buffer).

10 6. The plaintiff also has commenced patent litigation
11 against DSP Group, Inc. in the Northern District of California
12 entitled Gregory Bender v. DSP Group, Inc., Case No. C 09-01145
13 HRL (the "DSP case").

14 7. Pursuant to and in accordance with Civil L. R. 3-12(b),
15 it is respectfully requested that the DSP case be reassigned to
16 the Honorable Magistrate Judge Edward M. Chen. The grounds for
17 such reassignment are that the two cases involve the same
18 plaintiff and the same Patent '188, which embodies highly (if not
19 exceedingly) complex claims and claims construction issues. If
20 the DSP case is not so transferred, then "it appears that there
21 would be an unduly burdensome duplication of labor and expense or
22 conflicting results if the cases are conducted before different
23 judges." Civil L. R. 3-12(b).

24 8. For purposes of Civil L. R. 3-12(c), it is also
25 respectfully called to the attention of the Court that there are
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seventeen additional cases now pending in the Northern District of California also involving the same plaintiff and the same Patent '188 and the same issues. A list of them follows:

Gregory Bender v. Micrel Incorporated, C 09-01145 HRL;
 Gregory Bender v. Broadcom Corporation, C 09-01147 PVT;
 Gregory Bender v. Advanced Micro Devices, Inc., C 09-01149 BZ;
 Gregory Bender v. Trident Microsystems, Inc., C 09-01150 RS;
 Gregory Bender v. National Semiconductor Corporation, C 09-01151 RS;
 Gregory Bender v. Maxim Integrated Products, Inc., C 09-01152 MEJ;
 Gregory Bender v. Linear Technology Corporation, C 09-01154 EMC;
 Gregory Bender v. Intersil Corporation, C 09-01155 MEJ;
 Gregory Bender v. Freescale Semiconductor, Inc., C 09-01156 JCS;
 Gregory Bender v. STMicroelectronics Corporation, C 09-01244 JL;
 Gregory Bender v. Motorola, Inc., C 09-01245 PVT;
 Gregory Bender v. Sony Corporation of America, C 09-01246 JCS;
 Gregory Bender v. Nokia Inc., Case No. C 09-01247 EMC;
 Gregory Bender v. Siemens Corporation, C 09-01248 HRL;
 Gregory Bender v. International Business Machines Corporation, C 09-01249 EMC;
 Gregory Bender v. Agilent Technologies, Inc., C 09-01250 EMC; and
 Gregory Bender v. Cirrus Logic, Inc., C 09-01251 EMC.

9. In addition, it is likely that an equal if not greater number of cases involving the same plaintiff and the same Patent '188 and the same issues will be commenced against additional primary and secondary infringers in the near term.

Dated: _____, 2009
 Piedmont, California

 David N. Kuhn, Counsel for Plaintiff